

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2002-309-C - ORDER NO. 2002-791
NOVEMBER 18, 2002

IN RE: Rule to Show Cause Request Against T-ZAK) ORDER SETTING
Wireless, Inc. d/b/a Talk Now USA) HEARING AND *100*
) ESTABLISHING
) PREFILING DATES

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Commission Staff's (the Staff's) Petition for a Rule to Show Cause as to why the Certificate of Public Convenience and Necessity of T-ZAK Wireless, Inc. d/b/a Talk Now USA (Talk Now or the Company) should not be revoked. The Petition reflects that Talk Now received its Certificate to provide local telecommunications services in South Carolina pursuant to Order No. 2000-0519, dated June 22, 2000. Talk Now's service offerings in South Carolina include prepaid local service. Talk Now is a reseller of services. Staff alleges that on or about August 12, 2002, on information and belief, the services of Talk Now were disconnected, and that Talk Now owed BellSouth Telecommunications, Inc. (BellSouth), one of its underlying carriers, the sum of approximately \$60,000 at that time. Apparently, payment arrangements had been made with BellSouth, but Talk Now failed to comply with the arrangements. Accordingly, BellSouth disconnected Talk Now's services and customers, which numbered five hundred fifty-six (556). Further, on information and belief, Staff alleges that on

September 25, 2002, services of Talk Now were disconnected to some two hundred eight (208) of Talk Now's customers because of Talk Now's failure to pay monies owed to Sprint-United, another one of its underlying carriers. Staff petitions this Commission, based on its allegations that Talk Now no longer possesses the financial resources sufficient to provide the services that it had been certified to provide in South Carolina. Staff therefore requests, in the form of a Petition, that this Commission require the Company to show cause why its Certificate of Public Convenience and Necessity should not be revoked.

An examination of the Commission's Docket file reveals that Staff's Petition was mailed to the Talk Now via certified mail, and that the Petition was received by the Company on September 25, 2002. Attached to the Petition was a Notice requiring the Company to respond within 30 days of service of the Petition. Staff's calculated date for response was October 25, 2002. No response was received from the Company to Staff's Petition.

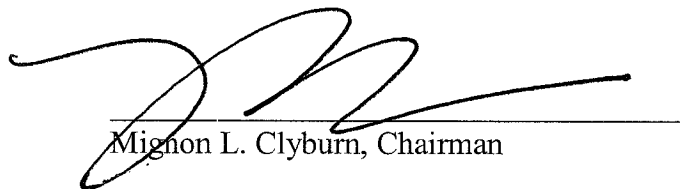
Accordingly, Staff's Petition for a Rule to Show Cause is granted. Talk Now shall appear before the Commission and show cause as to why its Certificate of Public Convenience and Necessity should not be revoked because of insufficient financial resources to provide its certificated services in South Carolina. A hearing shall be set on this matter for **Thursday, January 23, 2003 at 11:30 AM** in the offices of the Commission.

Pursuant to 26 S.C. Regs.103-869(C)(Supp. 2001), the Commission hereby orders that twenty-five copies of the testimony and exhibits of the Staff shall be pre-filed on or

before **December 27, 2002**, and that twenty-five copies of the testimony and exhibits of Talk Now shall be pre-filed on or before **January 9, 2003**. (Material may be post-marked on these dates.) Also, any rebuttal testimony and exhibits shall be pre-filed on or before **January 16, 2003**, and any surrebuttal testimony and exhibits shall be pre-filed on or before **January 20, 2003**. (Material must be in the offices of the Commission and in the hands of the parties on these dates.) It should be noted that acceptance into the record of surrebuttal testimony and exhibits is subject to the discretion of the Commission. In addition, parties shall serve their pre-filed testimony and exhibits (and/or scripts or other materials) on all other parties of record as required by the Commission's Rules and Regulations. All parties are reminded that all witnesses must be present during any hearing in this matter at the call of the Chairman, or the Commission may decline to allow the witnesses' testimony to be read into the record of the proceeding, and/or may decline to allow the witnesses' exhibits to be entered into the evidence of the case.

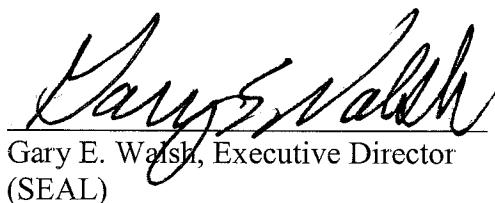
Please take note that any party requesting modification of this schedule must file a request for such modification with the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Gary E. Walsh, Executive Director
(SEAL)